

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 9, 2008, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-27 remain in this application, where claims 21-27 have been added. Claims 1, 8 and 21 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct a certain informality.

By means of the present amendment, claims 2-7, 9-17 and 19-20 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 2-7, 9-17 and 19-20 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Final Office Action, claims 1-20 are rejected under 35

U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,938,606 (Boys). It is respectfully submitted that claims 1-27 are patentable over Boys for at least the following reasons.

Boys is directed to a hand-held voice-editing apparatus having a position-finding enunciator. An operator may position a pointer at any position in the digitally-recorded voice data. A bar display 28 of an audio Editor 11 (FIG 1) is used as an indicator for the relative pointer position in a file.

It is respectfully submitted that Boys does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 8 and 21 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the control means is set up in such a way that, during a playback of the audio data in the reverse mode, starting from a replay position in the audio data, the control means automatically initiates a backward jump, counter to the forward sequence, over a return distance corresponding to a length of at least N words, to a target position, and then, starting from the target position, the control means initiates a replay of the audio data in the forward sequence for just one part of the return distance for replaying N-1 words and then automatically performing the backward jump.


Replaying N-1 words and then automatically performing the backward jump over a return distance corresponding to a length of at least N words are nowhere disclosed or suggested in Boys. Rather, Boys merely discloses moving a pointer to any desired position and other functions to find the position wanted for editing.

Accordingly, it is respectfully requested that independent claims 1, 8 and 21 be allowed. In addition, it is respectfully submitted that claims 2-7, 9-20 and 22-27 should also be allowed at least based on their dependence from independent claims 1, 8 and 21 as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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